

Message

From: Zolandz, Mark [Zolandz.Mark@epa.gov]
Sent: 7/26/2021 5:48:50 PM
To: Maslowski, Steven [Maslowski.Steven@epa.gov]
CC: Rogers, Rick [rogers.rick@epa.gov]; Lazos, Pamela [Lazos.Pamela@epa.gov]
Subject: RE: Action by 7/27; Input for state secty talking points - PADEP and WVDEP

Thanks, Steve!

From: Maslowski, Steven <Maslowski.Steven@epa.gov>
Sent: Thursday, July 22, 2021 8:08 AM
To: Zolandz, Mark <Zolandz.Mark@epa.gov>
Cc: Rogers, Rick <rogers.rick@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>
Subject: RE: Action by 7/27; Input for state secty talking points - PADEP and WVDEP

Mark,

I dusted off what you had in the enclosed email and updated with the date we plan to have our next negotiation with CRW (update in red). Is this what is needed or do the what it rewritten?

Working to resolve compliance issues with Capital Region Water:

- DOJ's nonconcurrency motion argued that DOJ, EPA, and PADEP have a strong coalition and are working together to resolve the compliance issues with Capital Region Water (CRW), and that the Motion to Intervene (MTI) is not timely given EPA has made significant progress in amending the current CD.
- On June 16, EIP filed a Reply Memorandum in Further Support of its MTI. Now the Court must make the decision as to whether to allow LSRA to become co-plaintiffs. On June 29, 2021, DOJ sent a revised Consent Decree to CRW. On August 24, 2021, EPA, DOJ, and PADEP will meet with CRW to negotiate the terms of the CD.
- ***Background:** On May 6, the Environmental Integrity Project (EIP) on behalf of the Lower Susquehanna Riverkeeper Association filed an MTI as a plaintiff in the matter U.S. et al v. Capital Region Water Case. EIP's motion stated that since EPA's 2018 letter to found CRW's Long Term Control Plan (LTCP) deficient in its failure to control CSO overflow. CRW has not made sufficient progress in developing a new plan. The plaintiffs and CRW agreed to meet with EIP to discuss the progress that has been made in developing the final LTCP and a modified Partial Consent Decree (CD). However, EIP conditioned its participation at such meeting on plaintiffs agreeing to entering a "common interest agreement" with EIP which would grant them a full seat at the negotiation table. The plaintiffs were not interested in entering this agreement and EIP has refused to meet with DOJ and EPA unless and until its demands were met. As a result, on May 27, DOJ on behalf of EPA filed an Opposition to the MTI along with PADEP, CRW, and the City of Harrisburg.*

Steve Maslowski
NPDES Section
EPA Region III
215-814-2371

From: Zolandz, Mark <Zolandz.Mark@epa.gov>
Sent: Thursday, July 22, 2021 7:44 AM

To: Maslowski, Steven <Maslowski.Steven@epa.gov>
Cc: Rogers, Rick <rogers.rick@epa.gov>
Subject: FW: Action by 7/27; Input for state secty talking points - PADEP and WVDEP

Steve,
Can you please provide an update on CRW for the RA's monthly meeting with PADEP?
Thanks,
Mark

From: Armstrong, Joan <Armstrong.Joan@epa.gov>
Sent: Thursday, July 22, 2021 7:39 AM
To: R3 ECAD_MGRs <R3_ECAD_MGRs@epa.gov>
Cc: Feil, Kathryn <Feil.Kathryn@epa.gov>
Subject: Action by 7/27; Input for state secty talking points - PADEP and WVDEP

By the next Tues, July 27 managers meeting, please submit your proposal for any critical hot and/or emerging issues that you feel the RA should raise during his monthly meeting with **PADEP and WVDEP**

You have the option of either emailing me PRIOR to the managers meeting (preferred), or raising the topic during the meeting to confirm it should be included this month.

Pls respond to this email with "no input" if no hot issues for your group.

For context, we submitted the following topics last month:

For PADEP:

Nonresponsive based on revised scope

Nonresponsive based on revised scope

Working to resolve compliance issues with Capital Region Water:

- DOJ's nonconcurrency motion argued that DOJ, EPA, and PADEP have a strong coalition and are working together to resolve the compliance issues with Capital Region Water (CRW), and that the Motion to Intervene (MTI) is not timely given EPA has made significant progress in amending the current CD.
- On June 16, EIP filed a Reply Memorandum in Further Support of its MTI. Now the Court must make the decision as to whether to allow LSRA to become co-plaintiffs. DOJ expects to send CRW the revised Partial CD to CRW the week of June 28.
- *Background: On May 6, the Environmental Integrity Project (EIP) on behalf of the Lower Susquehanna Riverkeeper Association filed an MTI as a plaintiff in the matter U.S. et al v. Capital Region Water Case. EIP's motion stated that since EPA's 2018 letter to found CRW's Long Term Control Plan (LTCP) deficient in its failure to control CSO overflow. CRW has not made sufficient progress in developing a new plan. The plaintiffs and CRW agreed to meet with EIP to discuss the progress that has been made in developing the final LTCP and a modified Partial Consent Decree (CD). However, EIP conditioned its participation at such meeting on plaintiffs agreeing to entering a "common interest agreement" with EIP which would grant them a full seat at the negotiation table. The plaintiffs were not interested in entering this agreement and EIP has refused to meet with DOJ and EPA unless and until its demands were met. As a result, on May 27, DOJ on behalf of EPA filed an Opposition to the MTI along with PADEP, CRW, and the City of Harrisburg.*

For WVDEP:

Nonresponsive based on revised scope

Nonresponsive based on revised scope

Joan Armstrong, Deputy Director
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